

OLE OLSON
Special Assistant U.S. Attorney
P.O. Box 201401
Helena, MT 59626-1401
Phone: (406) 444-2026
FAX: (406) 444-3549
EMAIL: oolson@mt.gov

JOSEPH E. THAGGARD
Assistant U.S. Attorney
901 Front Street, Suite 1100
Helena, MT 59626
Phone: (406) 457-5120
FAX: (406) 457-5130
EMAIL: joseph.thaggard@usdoj.gov

ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

UNITED STATES OF AMERICA,	CR 13-09-H-DLC
Plaintiff,	
vs.	<u>UNITED STATES' OFFER</u>
WILLIAM FREDRICK	<u>OF PROOF</u>
SCHROEDER,	
Defendant.	

The Defendant, William Fredrick Schroeder, appears before the Court to plead guilty to the offense of Count II of the indictment, which charges the crime of receipt of child pornography, in violation of 18 U.S.C. § 2252(a)(2).¹ The elements of that offense are as follows: (1) the Defendant knowingly received a visual depiction using any means or facility of interstate or foreign commerce, including a cell phone; (2) the production of such visual depiction involved the use of a minor (someone less than 18 years of age) engaged in sexually explicit conduct; (3) the visual depiction was of a minor engaged in sexually explicit conduct; (4) the Defendant knew that such visual depiction was of sexually explicit conduct; and (5) the Defendant knew at least one of the persons engaged in the sexually explicit conduct in such visual depiction was a minor—that is, a person under the age of 18 years.

“Sexually explicit conduct” means actual or simulated sexual intercourse, bestiality, masturbation, sadistic or masochistic abuse, or lascivious exhibition of the genitals or pubic area or any person.

¹The plea agreement pursuant to which the Defendant will plead guilty constitutes the last and best offer the government made to defense counsel regarding the disposition of this case.

If this matter proceeded to trial, the government would admit the following evidence to prove the essential elements of the offense charged in Count II:

1. On February 13, 2013, “S”-a 13 year old child in Helena, Montana-disclosed to her mother that she had engaged in sexual intercourse with the Defendant earlier that day;

2. Later on February 13, 2013, members of the Helena Police Department placed the Defendant under arrest and seized two cellular telephones from him;

3. Still later on February 13, 2013, Helena Police Department Detective Adam Shanks interviewed the Defendant. The Defendant admitted that he had engaged in sexual intercourse earlier that day with “S.” The Defendant stated he believed “S” was 17 years of age;

4. Detective Shanks subsequently searched the Defendant’s cellular phones pursuant to a search warrant. The search disclosed the presence on one or both the telephones of several photographs of a person Detective Shanks has identified as “S.” The photographs had been sent from another cellular telephone and received by the Defendant’s cellular telephone or telephones. The photographs

lasciviously exhibited “S’s” genitals or pubic area in a manner that meets the legal definition of “sexually explicit conduct;”

5. Detective Shanks also interviewed the Defendant’s girlfriend, who stated she had previously advised the Defendant that “S” was only 13 years of age.

DATED this 18th of June, 2013.

MICHAEL W. COTTER
United States Attorney

/s/Joseph E. Thaggard
Assistant U.S. Attorney
Attorneys for Plaintiff